

Meeting of 2006-5-23 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
MAY 23, 2006 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Pro Tem Jeff Patton                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   John Vincent, City Attorney  
   Traci Hushbeck, City Clerk  
   COL Sonny Uberti, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:02 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Terry Marsh, Harvest Christian Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One (Arrived @ 7:45 p.m.)  
Rex Givens, Ward Two

Janice Drewry, Ward Three  
Keith Jackson, Ward Four

Robert Shanklin, Ward Five (Arrived @ 6:17 p.m.)  
Jeffrey Patton, Ward Six  
   Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF PROCLAMATION FOR NATIONAL CHILDHOOD CANCER AWARENESS MONTH (JUNE 2006) FOR THE OKLAHOMA OPTIMIST CLUB.

Mayor Pro Tem Patton presented a proclamation for National Childhood Cancer Awareness Month to Debbie Sellers.

CERTIFICATE OF RECOGNITION FOR KRISTOFFER PENDERGRAFT, ASHTON PATTON, MARY SELLERS, AND DIRECTOR, CYNTHIA KENT OF THE LAWTON COMMUNITY THEATER.

Cynthia Kent stated that on July 8, 2006 @ 7:00 p.m. in Norman, Kristoffer Pendergraft, Ashton Patton, Mary Sellers and Alley Sutherland will be representing the Lawton Community Theater and the city of Lawton at the Oklahoma Community Theater Association Festival of Plays.

Mayor Pro Tem presented a Mayor s Certificate of Recognition to Kristoffer Pendergraft, Ashton Patton, Mary Sellers, Alley Sutherland and Cynthia Kent.

PRESENTATION OF EMPLOYEE OF THE MONTH FOR MAY TO MICHAEL SPENCER, PRINCIPAL EQUIPMENT OPERATOR, IN THE WATER DISTRIBUTION DIVISION OF THE PUBLIC WORKS DEPARTMENT.

Mr. Spencer was not in attendance. This item was not addressed.

AUDIENCE PARTICIPATION:

Ken Graham, representing Harvey Adams, stated Mr. Adams owns a used car lot at 7 NW 2<sup>nd</sup> Street. He stated he understood that either the City Manager or City Attorney will be asking the City Council to extend the moratorium.

Mayor Pro Tem Patton stated that this issue will be addressed on item #23. He stated Mr. Graham will have time to speak when that item is discussed.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Vincent requested item #2 be considered separately. Jackson requested item #12 be considered separately.

MOVED by Warren, SECOND by Drewry, to approve the Consent Agenda items as recommended with the exception of items 2 and 12. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Fred & Lou Cheek in the amount of \$731.98, ( **Resolution No. 06-80**), Jimmie & Linda Hobbs in the amount of \$5111.69, (**Resolution No. 06-81**), Southwestern Bell Telephone in the amount of \$536.91, (**Resolution No. 06-82**), James Craig in the amount of \$513.87, (**Resolution No. 06-83**), Denise Brown in the amount of \$20.00.

2. Consider the following damage claims as recommended for denial: Victor & Pabla Morales in the amount of \$1,092.88, Wilbur & Shirley Gardner in the amount of \$150.00. Exhibits: Legal Opinion/Recommendation. Exhibits: Legal Opinion/Recommendation.

Vincent stated Mr. Morales has filed a notice to speak on this claim. He stated this is one of the toughest claims he has had to make a recommendation on. This claim was recommended for denial only because of the Oklahoma State Statute of Limitations which says the claim has to be filed within one year of the incident occurring. This claim was filed more than one year later. The City Council has paid numerous claims where sewer rehab has failed to reconnect.

MOVED by Warren, SECOND by Haywood, to approve the claim of Victor and Pabla Morales in the amount of \$1,092.88 and all related documents (**Resolution 06-84**). AYE: Drewry, Jackson, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

MOVED by Warren, SECOND by Givens, to deny the claim of Wilbur & Shirley Gardner. AYE: Jackson, Patton, Haywood, Warren, Givens, Drewry. NAY: None.

MOTION CARRIED.

Carlos Morales stated four months after this happened they did call the City of Lawton and they did not find anything wrong. They did not dig where the damage. When they did get it fixed, it was the City's problem.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in directing our third party administrator to make payment on the judgment in the Workers' Compensation case of Arguell Harris in the Workers' Compensation Court, Case No. 2004-09966H. (**Resolution 06-85**).

4. Consider approving a renewal Agreement effective July 1, 2006 through June 30, 2007 between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the renewal Agreement and an Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Exhibits: Renewal Agreement and Affidavit of Assignment on file in City Clerk's Office.

5. Consider authorizing the Mayor and City Clerk to execute a contractual agreement for receiving processed residue from the Four-D Tire Recyclers. Exhibits: Agreement (On file with the City Clerk).

6. Consider approving a credit adjustment to utility account #1301057202 for Keith Kelman for his property located at 5106 SE Bishop Road in the amount of \$1,292.56. Exhibits: Repair bill dated 1/25/06 from All Star Plumbing. Repair bill dated 3/6/06 from Kephart Mechanical, Inc.

7. Consider accepting the Permanent and Temporary Easements listed below needed for the Sullivan TV Acres Project (2000 CIP WL #2005-15), and authorize the Mayor and City Clerk to execute the easements. Exhibits: Easements are on file in the City Clerk's office.

8. Consider approving the record plat for Blys' Pointe Addition, Part 3 and accepting the improvements, maintenance bonds, and easements. Exhibits: Plat Map, Maintenance Bonds and Easements on file in City Clerk's Office

9. Consider approving plans and specifications for the NE Maine Waterline Improvement Project #2006-2 and authorizing staff to advertise for bids. Exhibits: None.

10. Consider entering into a Retainer Agreement for Professional Services with Mountain Commercial Graphics, for expert design, production, and installation of vinyl vehicle wraps in Comanche County, Oklahoma and authorize the Mayor and City Clerk to execute the document. Exhibits: Professional Services Agreement.

11. Consider setting a public hearing on June 27, 2006 at 6 o'clock pm in the City Council Chambers to hear any comments for or against the annexation of approximately 160 acres of land located in Southeast Quarter of the East Half of Section 2, Township 1 North, Range 13 West, Comanche County, Oklahoma, into City Limits. Exhibits: Request for Annexation, Location Map, Notice of Public Hearing.

12. Consider accepting a sand filter tank (44.18cu.ft.) from the Comanche Nation for the municipal swimming pool in Mattie Beal Park. Exhibits: None

Kim Shahan, Parks and Recreation Director, stated he would like to publicly express his appreciation to the Comanche Nation for their contribution of this item. This tank is approximately a \$10,000 gift. Without this gift, it might have been difficult to open this pool for the summer.

Shanklin arrived at 6:17 p.m.

**MOVED by Jackson, SECOND by Givens**, to accept the sand filter tank as a contribution from the Comanche Nation for the municipal swimming pool in Mattie Beal Park. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

13. Consider extending the contract (CL94-025) E-911 Equipment and Support Services with AT&T Oklahoma (formerly SBC) of Oklahoma City, Oklahoma.

14. Consider awarding (CL06-046) Mowing and Litter Contract Section I, Area B, E, Section II, Area A to Booker Tree Service of Chattanooga, Oklahoma; Section I, Area D to Teen Challenge of Cache, Oklahoma

15. Consider appointing Mary Virginia Ozier as the City's representative in the civil litigation styled *Comanche County Rural Water Dist. No. 1, et al. v. City of Lawton, et al.* now pending in the District Court of Comanche County before the Honorable Allen McCall. Exhibits: N/A.

16. Consider approval of the Retainer Agreement for Legal Services between the City of Lawton and Neil West and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Retainer Agreement for Professional & Legal Services on file in City Clerk's Office.

17. Consider adopting a Resolution in Support for a Section 202 Elderly Housing Project application being submitted by Lawton Support Services, Inc., to the U.S. Department of Housing and Urban Development (HUD), for the construction of a thirty-eight (38) unit elderly-only rental housing development to be located at 911 SW D Avenue, Lawton, Oklahoma. **Resolution 06-86**.

18. Consider approving appointments to boards and commissions. Exhibits: None.

19. Consider approval of payroll for the period of April 24- May 7, 2006. Exhibits: None.

#### OLD BUSINESS ITEMS:

20. Continue the public hearing to consider the Consolidated One-Year Action Plan for FFY 2006, receive input from citizens, and provide input for development of the plan. Approve the Plan and pass a resolution authorizing the execution of the plan and authorizing the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2006. Exhibits: A copy of the Consolidated One-Year Action Plan for FFY 2006 is on file at the City Clerk's Office.

Tim Libby, Grants and Fiscal Officer, stated the difficulties with the One Year Action Plan and statements made regarding Great Plain Improvement Foundation (GPIF) have been resolved. Mr. Gunter could not be in attendance, but did contact the City Manager and the Housing and Community Development office and stated he was happy with the way the plan was now written. He distributed a request from GPIF for an additional \$5,000. Their original application was for \$35,000, staff had recommended \$30,000. The emergency shelter grant was denied and that was a \$35,000 request for funding for our shelter. They have also requested \$20,000 in additional funds from the United Way. It is one of the high priority projects in this years plan, the other being the drug and alcohol counseling. Staff does not have a recommendation where that money should come from. He stated he sent out a message to all of the Executive Directors letting them know of this request and suggested they attend the meeting tonight to defend their funding.

Warren stated they had previously discussed the issue of open records. He questioned if they should address that now.

Vincent stated he has received no information from the Northside Chamber. He stated they did discuss whether their application procedure could be open records.

Annette Dawkins, Executive Director of the Northside Chamber of Commerce, stated it was not their application process, but the clients had a right to the confidentiality because of all the information they deal with.

Warren stated the question was what projects are funded with this money and the answer was that they could not tell him because of the confidentiality. He stated that is not true, because his question to Mr. Vincent was could they not get that information under open records and have expungement of all that information that they don't need to know.

Ms. Dawkins stated the question to them is why they did not get the information. She stated they submit a report to the department of housing every month that has a list of every project that is funded through this program. She stated what they would not see on that list is actual names and actual businesses. That information is made available to the City and city representatives see that information every year when they visit the office to monitor.

Warren requested an item be placed on the agenda for the next meeting and a transcript be provided.

Haywood stated he believed Ms. Dawkins was right in that they could not bring up the names because it was confidential, but they could come to their office.

Warren stated there are things that are open to the public and things that are not.

Ms. Dawkins stated they have access to those things open to the public.

Vincent stated there was a difference of opinion on whether or not certain records could be released under the open records act, but Ms. Dawkins said they could not because of confidentiality. He stated he asked for information from Ms. Dawkins because he only deals with the Oklahoma State Open Records Act and he did not know where she was getting her information. Financial information of economic development is not releaseable, but the names are at some point releaseable.

Haywood stated they ran into the same thing at Weed and Seed.

Vincent stated that was a federal program.

Ms. Dawkins questioned what records the Council would like to see. She stated the City staff has all their records. There is no such thing as an application process.

Vincent stated anything that city staff has is releaseable.

Givens stated regarding Mr. Gunter's request for additional funding, the shelter is one of the top priorities in the needs assessment and all of the other agencies funded have a lot broader access of funding than the shelter. He does not see how they can turn their back on this request.

Patton stated he believes the shelter does serve a vital role, but his concern is that this request comes at such a late date. There have been meetings and hearings and it really is not fair to the others who have presented their arguments.

Haywood stated that last year they added the backpack program at the last minute.

Warren stated at the end of the last meeting they basically said that this deal was done and had they know this would be brought up, others might have shown up to this meeting to put in their two cents worth.

Haywood stated that homelessness is not a GPIF problem, it is a city of Lawton problem.

Patton stated when they left the last public hearing it was understood that staff would clean up the language for Mr. Gunter.

Warren suggested they just write a Mayor Purcell IOU from the budget.

PUBLIC HEARING OPENED.

Charlie Baer, Christian Family Counseling Center, stated he feels that he is an advocate for those clients that would not receive care if their funding decreased. He stated they asked for \$40,000 and the recommendation is for \$30,000. He stated a few years ago they were funded at \$40,000 and the City Council made a decision to disperse funds to other agencies who dealt with family counseling. He stated neither of those agencies are currently in business. He requested that the City Council not lower their requested funding.

Warren stated they need to be careful because every year they will be providing less funds unless there is a drastic change in leadership at the federal level. They will have the same problem next year and will not be able to keep everyone equal.

Betty Caldwell, Director of C. Carter Crain Homeless Shelter, stated that homelessness is everyone's issue in Lawton. She stated if they do not receive the \$5,000 they will not close their doors, but will try to find other funding. They used to receive several grants, but government and church funding is ending.

Givens questioned when Ms. Caldwell will know about United Way funding.

Ms. Caldwell stated she has a review tomorrow afternoon with the funding allocation group.

Warren questioned the estimate of the number of homeless in Lawton.

Ms. Caldwell stated they average 150-200 per night.

Angela Christian, Teen Court, stated Teen Court was funded for the first time last year with CDBG money. This year they have requested \$15,000 and staff has recommended \$10,000. Because of less money, they have cut their community supervisor. One of their other funding sources is Marie Detty and they are not sure what the future will hold. She stated it costs approximately \$350 to process a defendant through teen court versus \$500 through the juvenile bureau. They only have one full time employee and one part time person who works on court night. This year they have processed 55 cases and of those 40, of the defendants have been low to moderate income.

PUBLIC HEARING CLOSED

Givens stated he would favoring approving the Consolidated One Year Action as is and address the issue of the shelter some other way.

MOVED by Givens, SECOND by Warren, to adopt **Resolution 06-87** authorizing the filing of the Consolidated One-Year Action Plan as written for FFY 2006, and authorize the Mayor and City Clerk to execute the documents necessary to implement the CDBG and HOME programs. AYE: Haywood, Warren, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

#### NEW BUSINESS ITEMS:

21. Hold public hearings and adopt resolutions declaring the structure(s) at: 524 S.W. G Avenue, 408 S.W. Jefferson Avenue, 311 N.W. Arlington Avenue, 616 S.W. Garfield Avenue, 9 N.W. Columbia Avenue, 612 S.W. Highland Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Seven Resolutions. Summary documents with supporting photos. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

524 SW G Avenue: Griffith presented photographs of the property. There are two structures on this lot. There have been no utilities since 2004 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes

Shanklin questioned if the owner is objecting.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Shanklin questioned if Mr. Reese would have to pay full tipping fees.

Vincent stated yes.

Shanklin questioned if Mr. Reese has been contacted by Neighborhood Services.

Griffith stated he has spoken to Mr. Reese who has obtained a six month renovation permit. His plan is to renovate the structure. He stated this property has been bounced around for about eighteen months with Mr. Reese making promises to renovate, but not living up to those promises. At some point, we need to make a decision.

Vincent questioned when the permit expires.

Griffith stated he received the permit a couple of days ago and it will expire in six months.

Mitchell questioned if he had any previous permits.

Griffith stated he did.

Vincent stated he did not know how he could have been reissued a permit, but if he was issued a permit it should not be on the agenda until that permit expires.

Givens stated last time Mr. Reese came before the City Council and promised that he would do something immediately. That is just another promise that didn't happen.

Jackson stated he called Mr. Reese and told him that they would not save him this time because he went back on his word that he would do something with the property and nothing has been done.

Shanklin questioned how they can override that permit. Does he still have to pay 10% tipping fee.

Vincent stated to receive a reduced fee he would have had to demolish the property prior to action of the City Council.

Jackson stated he is not sure we can override that.

Givens stated he would like to know how Mr. Reese got another permit.

Jackson suggested they table this issue until the next Council meeting and find out the situation with the permit.

Warren questioned how you get a permit when it is already in the process.

Vincent stated the rule is that once they are notified under the new demolition rule, they can get a demolition permit prior to coming to council and they get a 50% break on the tipping fees. This does not include remodel permits.

Warren clarified that they can issue demolition, but cannot issue after the notice is posted on the house.

Vincent stated he does not know what happened with this case.

MOVED by Shanklin, SECOND by Warren, to table to the next meeting. AYE: Shanklin, Patton, Haywood, Warren, Drewry, Jackson. NAY: Givens. MOTION CARRIED.

408 SW Jefferson: Griffith presented photographs of the property. The structure has been without utilities since December 1999 and is vacant. The premise is not maintained in a clean, safe and secure manner.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Shanklin, to approve **Resolution No. 06-88** and declare the structure at 408 SW Jefferson to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

311 NW Arlington: Griffith presented photographs of the property. The structure has been without utilities since December 2003 and is vacant. The exterior surface lacks protective treatment. Roof and gutter are in disrepair. There is also an accessory structure on site next to the main structure.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 06-89** and declare the structure at 311 NW Arlington to be dilapidated and a public nuisance. AYE: Haywood, Warren, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

616 SW Garfield: Griffith presented photographs of the property. This is a fire damaged structure. The structure has been without utilities since November 2005 and is vacant.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Givens, to approve **Resolution No. 06-90** and declare the structure at 616 SW Garfield to be dilapidated and a public nuisance. AYE: Warren, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

9 NW Columbia: Griffith presented photographs of the property. The structure has been without utilities since February 2006 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes. The entire structure is boarded up.

PUBLIC HEARING OPENED.

Ken Graham, stated this property belongs to Darrell Dawkins, a retired Lawton Police Officer who has relocated to Las Vegas. The property was rented out until February. Mr. Dawkins has faxed Mr. Graham and told him he has been in communication with the City inquiring about what he needs to do to fix the property. He requested that this property be tabled for thirty days which would allow Mr. Dawkins to come to Lawton and meet with staff. He stated Mr. Dawkins questioned if the property was in the moratorium area.

Vincent stated the moratorium does not apply to buildings that are brought before the City Council in a dilapidated condition. There is an exception in the moratorium for this issue. If the City Council does pass the resolution, Mr. Dawkins will thirty days to come in and obtain a permit and visit with staff.

Mr. Graham clarified that Mr. Dawkins will have a thirty day grace period to decide what he wants to do with the property.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 06-91** and declare the structure at 9 NW Columbia to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

612 SW Highland: Griffith presented photographs of the property. The structure has been without utilities since November 2005 and is vacant. The exterior surface lacks protective treatment. The gutters are nonexistent.

Warren questioned why this property has a legal description.

Griffith stated they contract with a professional attorney that provides staff with a legal description or a lot number.

Vincent stated apparently this is part of a lot, not the whole lot.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Warren, to approve **Resolution No. 06-92** and declare the structure at 612 SW Highland to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

22. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Agriculture to Residential/High Density and an ordinance changing the zoning from Temporary A-1 (General Agricultural District) to R-4 (High Density Apartment District) zoning classification with Planned Unit Development overlay district located approximately at 8902 NW Cache Road.

Richard Rogalski, Planning Director, stated this request includes 45.899 acres proposed to be developed as an apartment complex and St. James Place, a gated single-family residential subdivision. The applicants and property owners are Quail Ridge, Inc., and Dayspring Community Church. One of the requirements for the subdivision (St. James Place) is to have the proper zoning placed on the land. On April 27, 2006 the City Planning Commission held a public hearing on this request. Staff recommended the 2025 Land Use Plan be amended to Residential/High Density for the portion of the requested area proposed for the apartments and the zoning be changed to R-4 and for the portion of the requested area proposed as a single-family residential subdivision the 2025 Land Use Plan be amended to Residential/Low Density and the zoning be changed to R-1 (Single-Family Dwelling District) with a Planned Unit Development overlay on the entire requested area. The Planned Unit Development overlay would allow the apartments and the subdivision to be gated and have private streets. The location map illustrates the recommended zoning. Mr. Eason agreed with Staff's recommendation, and the CPC voted (6 - 0) to forward that recommendation to the City Council. Development must be in conformance with the attached site plan. If the developer proposes any significant changes to the site plan, the amended site plan would have to be approved by the Commission and City Council.

The zoning of the surrounding area is A-1 to the north, Temporary A-1 to the south, Temporary A-1, P-O (Professional Office District), and R-1 (Single-Family Dwelling District) with Planned Unit Development overlay district to the east, and Temporary A-1 and C-1 (Local Commercial District) to the west. The land use of the surrounding area is agriculture to the north and south; Dayspring Community Church, dental office, single-family residential, and agriculture to the east; and Sunset Memorial Garden cemetery and agriculture to the west.

Notice of public hearing was mailed on May 2, 2006 to five property owners within 300 feet of the requested area, and proper notice was published on May 7, 2006 in *The Lawton Constitution*.

Rogalski stated Mr. Eason is also applying for a PUD overlay over both sections. This will be a gated community with private streets and a high density apartment complex.

PUBLIC HEARING OPENED.

Jim Eason, Developer, stated he is here to answer any questions.

PUBLIC HEARING CLOSED.

MOVED by Warren, SECOND by Drewry to adopt **Resolution No. 06-93** amending the 2025 Land Use Plan from Agriculture to Residential/High Density and Residential/Low Density and adopt **Ordinance No. 06-16** changing the zoning from Temporary A-1 to R-4 on the north and west portions of the requested area proposed as apartments on the site plan and adopt **Ordinance No. 06-17** changing the zoning from Temporary A-1 to R-1 (Single-Family Dwelling District) on the portion of the requested area proposed as a gated, single-family residential subdivision and Planned Unit Development overlay district over the entire requested area, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-16

An ordinance changing the zoning classification of the tract of land located in the SE corner of Cache Road and NW 97<sup>th</sup> Street at approximately 8902

NW Cache Road which is more particularly described in Section One of the ordinance from the existing classification of A-1 (General Agricultural District) to R-4 (High Density Apartment District) zoning classification with a Planned Unit Development Overlay District; Authorizing changes to be made upon the official zoning map in accordance with this ordinance.

(Title read by City Attorney)

Ordinance 06-17

An ordinance changing the zoning classification of the tract of land which is hereafter more particularly described in Section One located in the SE corner of Cache Road and NW 97<sup>th</sup> Street at approximately 8902 NW Cache Road changing the existing classification from temporary A-1 (General Agricultural District) to R-1 (Single Family Dwelling District) zoning classification with a Planned Unit Development Overlay District; Authorizing changes to be made upon the official zoning map in accordance with this ordinance.

23. Consider a resolution amending Resolution No. 05-171 extending the moratorium on the issuance of building permits for the construction of buildings in an area bounded by the north right-of-way line of Ferris Avenue, the north right-of-way line of Gore Boulevard, the west right-of-way line of 4<sup>th</sup> Street, and the east right-of-way line of Railroad Street from June 15, 2006 to September 13, 2006 and expanding the area of the moratorium to the south right-of-way line of C Avenue.

Mitchell stated the Lawton Urban Renewal Authority (LURA), the City Planning Commission and the City Council has been working on the Downtown Redevelopment Plan for almost two years. Council has agreed with LURA to place a moratorium through June 15, 2006. The LURA is working very hard to complete an overlay district that would establish development standards for all properties within the urban renewal areas. Part of the reason for requesting this extension is that LURA is asking that the moratorium be extended to C Avenue so it will incorporate all of their downtown revitalization plan. With the 90 day extension, they feel they will be able to complete the review and have a development standard ready and put in place by September 2006.

Patton clarified that they are not only extending the time, but also making it bigger.

Mitchell stated yes, LURA is requesting that they extend the southern boundary to the south right of way line of C Avenue.

Warren stated this was done originally, but the last time they failed to include it.

Mitchell stated in March they completed the public hearing process for changing the land use plan for all three urban renewal areas and extending the west boundary line from 2<sup>nd</sup> to 4<sup>th</sup> Street.

Jackson stated over the past two years they have had extensive public hearings and meetings regarding not only 2<sup>nd</sup> Street redevelopment, but the downtown revitalization. At that time they have had numerous discussions about the moratorium.

Ken Graham, Attorney for Harvey Adamson who owns property at 7 NW 2<sup>nd</sup>. It has been a used car lot for many years. Mr. Adamson applied for a building permit to construct a small office and was turned down because of the moratorium. Mr. Adamson obtained a portable building which could be removed. He was going to put a skirt around it and build some steps into the office. He received a letter from city staff stating he was in violation of city code because it was not a permanent structure. He stated it is only right that he should be allowed to use that property. Mr. Adamson paid \$2,200 in ad valorem taxes last year and has his license to sell cars. Mr. Graham feels it is not right that he not be allowed to use the property for what he planned and conduct his business.

Drewry questioned where Mr. Adamson has been conducting his business.

Mr. Graham stated he has been on 2<sup>nd</sup> Street and Fort Sill Boulevard. He returned to 2<sup>nd</sup> Street in 2002 or 2003.

Mitchell questioned how Mr. Adamson used the existing building that is on that lot.

Mr. Graham stated he cannot answer that.

Shanklin stated there is currently a glass company in that building. He stated this is a temporary structure, when something does happen in that area he can pick it up and move it. He does not have any problem supporting this issue.

Vincent stated the item before the council tonight is to extend or not extend the moratorium and the area it covers. If they want to bring back Mr. Adamson's issue, they need to reagenda this item. The only agenda item tonight is to extend the moratorium.

Shanklin questioned why this could not be included in the item tonight.

Vincent stated the temporary structure is another code issue. Irregardless of the moratorium. Trailers cannot be used as commercial offices on commercial zoned property.

Mr. Graham stated city staff has had over a year to work on this moratorium issue. He would like to think that Lawton is a business friendly city.

Shanklin questioned if staff would bring this back.

Vincent stated he will agenda an item for the June 13<sup>th</sup> meeting.

Shanklin stated he does not understand why we would allow people to remodel houses that we haven't put on the D&D list when the floor is on the ground.

Vincent stated he agreed, but when the council passed the first moratorium they exempted houses that were on D&D that could be remodeled.

MOVED by Givens. SECOND by Warren to adopt **Resolution No. 06-94**. AYE: Warren, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

24. Consider an ordinance amending Section 22-2-2-221; 224; 225; 226 and 227, Division 22-2-2, Article 22-2, Chapter 22, and Section 22-3-14-390; 392; 393; 394 and 395, Division 22-3-14, Article 22-3, Chapter 22, Lawton City Code, 2005, by setting standards for impact fee and extension procedures according to the approved Water and Sewer Master Plan, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_.

Vincent stated he just distributed a correction of a typographical error on page three of the six page ordinance. He stated items 24, 25 and 26 go hand in hand, but because they deal with different sections of the code they have to handle them separately. This item adopts the city master plan for water and sewer and modifies a way to get their impact fees paid back. This is a clean up ordinance. By the adoption of the master plan, this allows developers to know what size water lines staff feels is the maximum development of a given section, half section or quarter section will require.

Shanklin questioned how we arrived at these numbers.

Richard Rogalski, Planning Director, stated Engineering Division maintains a model that measures and analyses the flow. He stated he has a copy of the master plan.

Jackson stated there is a lot of development going on in Lawton and the east side is hindered because of the lack of sewer lines.

MOVED by Givens, SECOND by Drewry to adopt **Ordinance No. 06-18** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: Shanklin. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-18

An ordinance pertaining to utilities amending Section 22-2-2-221; 224; 225; 226 and 227, Division 22-2-2, Article 22-2, Chapter 22, and Section 22-3-14-390; 392; 393; 394 and 395, Division 22-3-14, Lawton City Code, 2005, by setting standards for impact fee and extension procedures according to the approved water master plan, providing for severability, and declaring an emergency.

Warren requested the plan be placed on the city s website.

25. Consider an ordinance amending Section 21-6-607, Article 21-6, Chapter 21, Lawton City Code, 2005, by requiring subdividers to install water lines and fire hydrants in accordance with the approved Water Master Plan and requirements of Chapter 11, providing all main water lines shall not be less than an eight inch diameter on a looped system or a dead end main, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

Vincent stated this is a companion item which has to do with Chapter 21 of the City Code. It requires the eight-inch minimum size. This also adopts the master plan accepted by the previous item.

Shoemate arrived at 7:45 p.m.

MOVED by Warren, SECOND by Givens to adopt **Ordinance No. 06-19** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-19

An ordinance pertaining to subdivisions amending Section 21-6-607, Article 21-6, Chapter 21, Lawton City Code, 2005, by requiring subdividers to install water lines and fire hydrants in accordance with the approved water master plan and requirements of Chapter 11 of this Code, providing all main water lines shall be not less than an eight inch diameter on a looped system or a dead end main, providing for severability, and declaring an emergency.

26. Consider an ordinance amending Section 11-4-402, Article 11-4, Chapter 11, Lawton City Code, 2005, by changing yard to private hydrants and establish standards for fire hydrants according to the approved Water Master Plan, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

Vincent stated under the National Fire Protection Code, hydrants not owned by a public utility are now called private hydrants instead of yard hydrants. This is a change to comply and also adopts the water master plan.

MOVED by Warren, SECOND by Givens to adopt **Ordinance No. 06-20** waive the reading of the ordinance, read the title only and declare an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-20

An ordinance pertaining to fire department and services amending Section 11-4-402, Article 11-4, Chapter 11, Lawton City Code, 2005, by changing yard to private hydrants and establish standards for fire hydrants according to the approved water master plan, providing for severability, and declaring an emergency.

27. Consider amending Section 17-1-4-143 Educational Incentive Program, Lawton, City Code, 1995, to establish a maximum amount per credit hour for education assistance and establish a stepped scale based on grade(s) achieved. Exhibits: Ordinance 2006-\_\_\_\_.

Jim Scholes, Human Resources Director, stated this item and the next item were both taken before the Employee Advisory Committee and were both approved. This item will place a cap that is more black and white on the reimbursement of tuition. He stated they took three local universities, Cameron University, University of Oklahoma and Oklahoma State University and took the average of a Bachelor and Masters degree.

Mitchell stated the problem is a lot of employees are taking on line classes that are more expensive.

Scholes stated there requests for advanced degrees that were paid but will never be used in the City of Lawton. This way there will be a cap to how much we will spend to help an individual find employment elsewhere. The second part of this item is they will not pay 75% for a grade of A and 65% for a grade of B.

Shanklin questioned if the employee could only attend certain schools.

Scholes stated there are only particular schools to set the rate. He stated very seldom do they turn down a request for a certain school.

Patton questioned if they approved private universities.

Scholes stated it will not exempt you from going to that university, but the employee would pay a little more out of his pocket.

Jackson questioned if there were caps in the union contracts.

Scholes stated yes it is negotiated.

Vincent stated the police contract follows the city policy.

MOVED by Warren, SECOND by Givens to adopt **Ordinance No. 06-21** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-21

An ordinance pertaining to personnel policies and procedures amending Section 17-1-4-143, Division 17-1-4, Article 17-1, Chapter 17, Lawton City

Code, 2005, by establishing a maximum amount per credit hour for education assistance and establish a stepped scale based on grade(s) achieved, providing for severability, and declaring an emergency.

28. Consider amending Section 17-2-9-205 Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2005, per request of the EAC to allow part-time employees to vote and to establish a presence from the HR office during vote counting and tabulation, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

Scholes stated this item was unanimously supported by the EAC.

Jackson questioned if there were a large amount of part time employees.

Scholes stated approximately 35-40.

Jackson questioned if this was really an issue.

Scholes stated since the EAC represents full time and part time employees, they felt part time employees should be allowed to vote.

Jackson questioned if this will have anything to do with unionization of the general employees.

Vincent stated if the permanent part time employee works for the City of Lawton more than four months in a twelve month period, that employee would be eligible for union membership as the law is currently written. This change will not matter.

MOVED by Warren, SECOND by Givens to adopt **Ordinance No. 06-22** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-22

An ordinance pertaining to personnel policies and procedures amending Section 17-2-9-205, Division 17-2-9, Article 17-2, Chapter 17, Lawton City Code, 2005, by allowing part-time employees to vote, providing for severability, and declaring an emergency.

29. Consider an ordinance amending Section 23-6-602, Article 23-6, Chapter 23, Lawton City Code, 2005, relating to the crime of illegally parking in spaces reserved for the physically disabled and assessing towing costs to vehicle owners convicted of said crime, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

Vincent stated items 29 through 37 are clean up ordinances that are being required by the 2005 legislative session. This ordinance makes it illegal to park in the striped area next to handicapped spaces used for van accessibility. This will make it illegal in Lawton and may be prosecuted in Municipal Court.

MOVED by Warren, SECOND by Givens to adopt **Ordinance No. 06-23** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-23

An ordinance pertaining to vehicles and traffic amending Section 23-6-602, Article 23-6, Chapter 23, Lawton City Code, 2005, by clearly defining where persons can park relating to the crime of illegally parking in spaces reserved for the physically disabled and assessing towing costs to vehicle owners convicted of said crime, providing for severability, and declaring an emergency.

30. Consider an ordinance amending Section 5-2-203, Article 5-2, Chapter 5, Lawton City Code, 2005, by prohibiting the mistreatment of service dogs or any other service animal, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

Vincent stated this was changed because there are other animals used in addition to service dogs.

MOVED by Drewry, SECOND by Warren to adopt **Ordinance No. 06-24** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-24

An ordinance pertaining to animals amending Section 5-2-203, Article 5-2, Chapter 5, Lawton City Code, 2005, by including service animals, providing for severability, and declaring an emergency.

31. Consider an ordinance amending Section 4-1-1-107; 4-2-1-215; 4-2-4-290, Division 4-1-1; 4-2-1; 4-2-4, Article 4-1; 4-2, Chapter 4, Lawton City Code, 2005, by prohibiting the transportation, sale or the offer to sell of non-intoxicating beverages, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

MOVED by Jackson, SECOND by Drewry to adopt **Ordinance No. 06-25** waive the reading of the ordinance read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-25

An ordinance pertaining to alcoholic beverages amending Section 4-1-1-107; 4-2-1-215; 4-2-4-290, Division 4-1-1; 4-2-1; 4-2-4, Article 4-1; 4-2, Chapter 4, Lawton City Code, 2005, by prohibiting the transportation and the sale or the offer to sell of nonintoxicating beverages, providing for severability, and declaring an emergency.

32. Consider an ordinance amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 2005, relating to the definition of a Motor Vehicle, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_\_\_.

MOVED by Givens, SECOND by Jackson to adopt **Ordinance No. 06-26** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-26

An ordinance pertaining to vehicles and traffic amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 2005, by making the wording of the City's definition of a "motor vehicle" identical to the state's definition and incorporating the term "all-terrain vehicle" into the definition, providing for severability, and declaring an emergency.

33. Consider an ordinance amending Section 23-5-540, Article 23-5, Chapter 23, Lawton City Code, 2005, relating to the use of child passenger



restraint systems in motor vehicles, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_.

Vincent stated this raises the fine from \$15 to \$50 per violation and is state mandated.

MOVED by Drewry, SECOND by Shoemate to adopt **Ordinance No. 06-27** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-27

An ordinance pertaining to vehicles and traffic amending Section 23-5-540, Article 23-5, Chapter 23, Lawton City Code, 2005, by limiting the fine of a first time offender who provides proof of purchase or acquisition of a child passenger restraint system, providing for severability, and declaring an emergency.

34. Consider an ordinance amending Section 16-5-1-512, Division, 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, to prohibit all forms of telecommunication or other electronic communication devices when related to obscene, threatening, or harassing communications, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_.

MOVED by Givens, SECOND by Jackson to adopt **Ordinance No. 06-28** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-28

An ordinance pertaining to offenses and crimes amending Section 16-5-1-512, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, by prohibiting all forms of telecommunication or other electronic communication devices when related to obscene, threatening, or harassing communications, providing for severability, and declaring an emergency.

35. Consider an ordinance creating Section 16-5-1-542, Division, 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, making it illegal to knowingly misrepresent oneself as a member or veteran of the United States Armed Forces or knowingly manufacture, sell or purchase for resale any merchandise used to impersonate a member or veteran of the United States Armed Forces, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_.

Vincent stated this item was passed recently by the state legislature and became effective on November 1, 2005. It does contain a provision that makes the sale or wearing of a certain device a felony which is the Medal of Honor. This prohibits an individual from wearing the uniform of the United States Military or any medal of the United States Military that they did not earned.

MOVED by Jackson, SECOND by Shoemate to adopt **Ordinance No. 06-29** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-29

An ordinance pertaining to offenses and crimes creating Section 16-5-1-542, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, by making it illegal to knowingly misrepresent oneself as a member or veteran of the united states armed forces or knowingly manufacture, sell or purchase for resale any merchandise used to impersonate a member or veteran of the united states armed forces, providing for severability, codification, and declaring an emergency.

36. Consider an ordinance amending Section 16-5-1-504, Division, 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, making it illegal to buy, sell, furnish, manufacture or possess alcohol inhalation devices or alcohol infusers, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_.

The state legislature adopted this statute making it illegal to use one of these devices in the State of Oklahoma. He stated this device is an inhaler that contains alcohol.

MOVED by Warren, SECOND by Drewry to adopt **Ordinance No. 06-30** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-30

An ordinance pertaining to offenses and crimes amending Section 16-5-1-504, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 2005, by making it illegal to buy, sell, furnish, manufacture or possess alcohol inhalation devices or alcohol infusers, providing for severability, and declaring an emergency.

37. Consider an ordinance amending Section 16-6-1-613, Division, 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 2005, making it illegal to knowingly communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of the AMBER alert warning system, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-\_\_.

MOVED by Haywood, SECOND by Shoemate to adopt **Ordinance No. 06-31** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-31

An ordinance pertaining to offenses and crimes amending Section 16-6-1-613, Division 16-6-1, Article 16-6, Chapter 16, Lawton City Code, 2005, by making it illegal to knowingly communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of the amber alert warning system, providing for severability, and declaring an emergency.

38. Consider authorizing the Mayor to send a letter of response including requested information to the Bureau of Indian Affairs regarding the Comanche Nation request to have two tracts of land located in Lawton put into Trust with the United States Government.

Jackson stated he feels this is a serious issue and he would like to table this item until the next council meeting to give them some time to discuss.

Vincent stated the response has to be to the Bureau of Indian Affairs in Anadarko by June 15<sup>th</sup>.

Jackson stated he does not like having these issues thrown on him within three days. This decision will affect taxpayers and property owners.

John Plata, In House Counsel, Comanche Nation, stated there are two tracts of land, one is being used by the Comanche Nation College. There are about 340 students now and the college has been operating at that capacity for two years. The other property is being utilized as an elderly center for social functions. The trust application process requires them to get letters of support from local government and state organizations. It is part of their

normal process. He stated when the property is placed in trust it is removed from the tax roles. He pointed out that Comanche Nation employs about 1,500 in the area.

Givens stated if this property is put in trust, could the Comanche Nation put a casino on the property.

Shoemate stated that would never happen. The National Indian Gaming Association would not let that happen. He stated he was on the Comanche Business Committee when they picked up Will Rogers School. That was not on the tax roles for a long time. The people in that area could not believe the difference since they opened up that college and cleaned up that area. That property stayed vacant for years.

Jackson questioned if the tribe would pull out if they didn't put that in trust property.

Givens questioned what would be the advantage of putting it in trust.

Mr. Plata stated it is a property tax issue and also there is a lot of funding they can apply for but cannot receive unless they are operating on trust property.

Shoemate stated they can make improvements to the property.

Vincent stated they contacted the County Assessor and neither of these properties are currently on the tax roles since they are owned by the Comanche Nation. They could have been all these years, but they have not been on the tax roles.

Mitchell stated in the background, the City Attorney said that if the City Council agreed to allow the Mayor to sign the letter, and the land is put in the trust, the agreements they have currently for services would expire and we would have to enter into contracts for utilities that we are providing to the property. He questioned if this offset the advantages of getting funds for improvements.

Mr. Plata stated the major benefit they have is getting funding for different programs the college wants to use to expand the educational programs. He stated the City will receive money for services provided such as police, fire and utilities.

Haywood stated the property was off the tax roles all these years and he is in support of putting it in the trust.

Givens stated there is property in trust and anything can go on that property and the city has no say so and is not subject to city ordinances.

Shoemate stated they are tighter with Comanche property. They not only have to go through the city, but also the Bureau of Indian Affairs.

Mr. Plata stated the trust application must state the specific purpose for the property.

Shoemate stated the majority of the tribes in Oklahoma work closely with the communities.

Jackson stated he is not disputing this, but it should be a mutual working arrangement between all the entities that are involved in this area. He stated he did not like this request being put out this quick.

Mitchell stated this could be tabled until the budget meeting on June 6<sup>th</sup>.

Mr. Plata stated he would be happy to provide any additional information.

Patton stated this would also give the area residents an opportunity to attend the meeting and make comments.

Jackson stated he is not saying he is opposed, but he would like a little more time.

MOVED by Jackson, SECOND by Patton to table until June 6, 2006. AYE: Haywood, Warren, Givens, Drewry, Jackson, Patton. NAY: Shoemate, Shanklin. MOTION CARRIED.

#### REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry thanked everyone who participated in the Cystic Fibroses fundraiser and walk. They raised over \$7,000.

COL Uberti thanked those who participated in the Armed Forces Day Parade.

The Mayor and Council convened in executive session at 8:39 p.m. and reconvened in regular, open session at 8:47 p.m. Roll call reflected all members present.

#### BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

39. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending lawsuit of Rachel Katherine Burton, CJ-2005-825, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 39. The Council did receive a briefing on this case.

MOVED by Jackson, SECOND by Warren to reject plaintiff's settlement offer of May 8, 2006. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

#### ADJOURNMENT

There being no further business to consider, the meeting adjourned at 8:51 p.m. upon motion, second and roll call vote.

JEFF PATTON, MAYOR PRO TEM

ATTEST:

TRACI HUSHBECK, CITY CLERK